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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninety-sixth session
6–30 August 2018
Item 4 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined twelfth and thirteenth periodic reports of Bosnia and Herzegovina*

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

2013 national population census and the composition of the population

2. Results of the population census that took place in 2013, including statistical data on the number of non-nationals notably refugees, asylum seekers and stateless persons.

The Convention in domestic legislation and the institutional and policy framework for its implementation (arts. 1, 2, 4, 5, 6 and 7)

3. Update on the adoption of amendments to the Constitution and the Electoral Law of 2001 as amended in 2006, to remove discriminatory provisions that bar citizens other than the "Constituent peoples" to stand as candidates for the Presidency of Bosnia and Herzegovina and the House of Peoples. In the light of the judgment of the European Court of Human Rights (*Sejdić and Finci v. Bosnia and Herzegovina*), information on steps taken to comply with this judgment and to amend the constitutions of the two Entities and their electoral laws in order to remove all discriminatory provisions based on ethnicity that prevent citizens who do not belong to the "Constituent peoples" to fully participate in public and political affairs.

4. Steps taken to include "ethnicity", "colour" and "descent" as grounds for the offence of incitement to hatred, discord and hostility, provided for in article 145a (1) of the Criminal Code of the Federation of Bosnia and Herzegovina.

5. Compliance of the Criminal Code with article 4 (a) and (b) of the Convention, with regard in particular to assisting racist activities, public dissemination of racist propaganda

* The present report was submitted after the deadline in order to reflect recent developments.

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and participation in organizations that promote ideas of racial superiority and racism. Update on the introduction of the racist motive as an aggravating circumstance in the Criminal Code.

6. Data on incidents of racist hate speech and racist hate crimes in the State party. Measures to counter racist hate speech by political figures against ethnic groups and minorities; in the media, including on the Internet, as well as in sports. Update on complaints filed with the Communications Regulatory Agency and the Press Council, as well as on the results thereof.

7. Update on measures taken to ensure effective judicial recourse to victims of racial discrimination. Information on complaints concerning acts of racial discrimination submitted to domestic courts at the level of the State or Entities or to the Human Rights Ombudsman, the investigations carried out, convictions, sanctions and reparation provided to the victims of such acts.

8. Update on the progress made in investigating and prosecuting war crimes under international law, including as foreseen in the national strategy for processing cases of war crimes and on the reparation provided to victims.

9. Enhancement of the financial autonomy of the Institution of Human Rights Ombudsman and provision of adequate human and financial resources. Compliance by the State party with the recommendations of the Ombudsman, including in cases of racial discrimination.

10. Measures taken or foreseen to reduce inter-ethnic tensions in the State party and to promote national integration. Steps taken to teach the recent history of the State party in schools in a way that promotes reconciliation among different groups.

Situation of ethnic and national minorities, especially Roma (arts. 2 and 5)

11. Measures to remove the obstacles introduced by the 2015 law on registration concerning the registration of the Roma population and the provision of identity documents and birth certificates.

12. Unequal access of Roma children to education. Measures to effectively implement the action plan on the educational needs of Roma and other plans adopted at the level of the State or the Entities and to provide them with adequate funding.

13. Measures taken to end the system of ethnically segregated schools, including the "two schools under one roof" system and the mono-ethnic schools in line with the ruling of the Supreme Court. Promotion of the common core curriculum and integrated education in the two Entities. Measures to teach pupils belonging to national minorities in their own languages.

14. Promotion of the recruitment of persons belonging to national minorities in the public sector. Statistical data on the number of Roma in the State party. Persistent marginalization of Roma in employment. Update on the adoption of the 2017–2020 revised action plan for addressing Roma issues in the fields of employment, housing and health care.

Situation of migrants, including returnees and internally displaced persons (art. 5)

15. Statistical data on the returnees to the State party. Persistent difficulties faced by returnees to fully reintegrate in society. Obstacles in benefiting from social services. Update on the implementation of the revised strategy for the implementation of annex 7 of the Dayton Peace Agreement. Additional measures to offer durable solutions to returnees.

16. Clarification on whether an appeal lodged by an asylum seeker has a suspensive effect on their expulsion.

17. Measures to effectively counter the discrimination faced by asylum seekers, refugees and internally displaced persons, in areas such as employment, housing and education. Effective implementation of the non-refoulement principle.